I. 35 U.S.C. § 112 Rejections

The Action rejects claims 13, 19 and 20 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Applicant respectfully traverses these rejections and asks that they be withdrawn.

Claim 10, from which claim 13 has been amended to depend, has been amended to recite two guide arms projecting from the base, each by a projection amount. Claim 13 has been similarly amended to recite that the projection amount of each guide arm from the base is adjustable. Applicants believe that sufficient antecedent basis for the projection amount of the guide arms is found in amended claim 10 and thus that these amendments overcome the § 112 rejection of claim 13.

The Action maintains that claim 19 lacks antecedent basis for "the face." Claim 19 has been amended to recite floor covering modules having textile faces, thereby providing antecedent basis for "the textile face" recited later in claim 19. Applicant believes that such amendment renders claim 19 definite and that the rejection of claim 19 under § 112 should be withdrawn.

Finally, the Action maintains that no antecedent basis exists for either "the building floor" or "the position" in claim 20. Claim 20 has been amended to depend from claim 19 and thereby correct an obvious typographical error. Claims 19 and 20 have been amended to recite "a floor" and "the floor," respectively. Thus, Applicant believes that amended claim 19 provides antecedent basis for "the floor" recited in amended claim 20. Moreover, claim 19 has also been amended to recite cutting at least one module to fill a position on the floor, thereby providing antecedent basis for "the position" recited in claim 20. Applicant believes

that these amendments overcome the §112 rejection of claim 20 and requests that the rejection be withdrawn.

II. 35 U.S.C. § 102 Rejections

A. Baltes

The Action rejects claims 1-4 and 16-20 under 35 U.S.C. § 102 as being anticipated by EP Patent No. 0297684 A1 to Baltes. Applicant respectfully traverses these rejections and asks that they be withdrawn.

Independent claims 1 and 2 have been amended to recite an apparatus for treating flooring covering having textile faces. Independent claim 16 has been amended to recite a method of changing the appearance of a textile face of floor covering, and claim 19 has similarly been amended to recite a method of installing floor covering modules having textile faces. Baltes discloses a tool for forming grooves in elastic floor covering material, such as linoleum or PVC, but fails to teach or suggest a tool for use, or using a tool, on floor covering having a textile face. Baltes thus fails to anticipate or render obvious amended claims 1, 2, 16, and 19, as well as claims 3 and 4, claims 17 and 18, and claim 20 that respectively depend from claims 2, 16, and 19.

Nor would one of skill in the art be motivated to use the Baltes tool on a floor covering having a textile face. The Baltes tool is directed to forming a groove in the flooring surface. The tool includes a gouge 4 (fixed in movable carrier 1) that penetrates the floor covering material and cuts a groove from the material as the carrier is moved along the floor. The subject matter of claims 1-4 and 16-20 is directed to altering the appearance of the edges of a floor covering having a textile face, not cutting a groove in the flooring. Thus, one of skill in the art would not have been motivated, nor would it have been obvious, to use the

Baltes tool on floor covering having a textile face, as recited in these claims. Moreover, claims 1, 2, 16, and 20 recite using an energy source (claim 1), heat source (claim 2), and hot air gun (claims 16 and 20) to alter the appearance of the textile face. While Baltes discloses a heating apparatus 10 provided on the carrier 1, the heating apparatus is only used to soften the floor covering material so that the gouge 4 can more easily cut through the floor covering material. The heating apparatus does not alter the appearance of the floor covering surface. Thus, use of the Baltes tool would not result in the subject matter recited in those claims. These claims, as well as all claims depending from these claims, are allowable for these additional reasons.

B. Hubbard et al.

The Action rejects claims 1-15 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,935,357 to Hubbard et al. Applicant respectfully traverses these rejections and asks that they be withdrawn.

Independent claims 1, 2, and 10 have been amended to recite an apparatus for treating floor covering having a textile face. In contrast, Hubbard discloses a welding tool for welding together polymeric roofing membranes. Hubbard fails to teach or suggest flooring covering, much less flooring covering having textile faces. Nor would one of skill in the art be motivated to look to roof membrane welding technology for guidance or teachings related to altering the appearance of floor covering modules. For at least these reasons, Hubbard fails to anticipate or render obvious claims 1, 2, and 10, and these claims are allowable, as are claims 3-9 and 15 and claims 11-14, which ultimately depend from allowable claims 2 and 10, respectively.

Moreover, claim 8 recites an adjustable frame to vary the position of the heat source relative to the floor covering. Hubbard fails to disclose a frame that allows adjustment of the position of the heat source relative to the roofing membrane. In Hubbard, the hot air welder 20 is mounted on chassis 22. However, Hubbard provides no means for adjusting the position of the chassis 22 to reposition the hot air welder 20 closer to, or further from, the underlying roofing membranes. As the Action indicates, Hubbard does disclose a control panel "for adjusting the speed and temperature of the hot air welder," col. 6, ll. 4-5, but nothing in Hubbard teaches or suggests varying the position of the hot air welder relative to the roofing membrane. Claim 8 is allowable for this additional reason.

Claim 9 recites a heat source holder adjustably attached to a frame stanchion so that the holder (to which the heat source is attached) can be positioned in a plurality of distances from the floor covering. To begin, the Action fails to identify the structure in Hubbard corresponding to the claimed heat source holder and stanchion. Moreover, as explained above, nothing in Hubbard teaches or suggests a structure to which the heat source is attached that can be positioned a plurality of distances from the floor covering and thereby adjust the position of the heat source relative to the floor covering. Claim 9 is allowable for this additional reason. Similarly, claim 10 recites an apparatus whereby the distance of the hot air gun from the textile face of the floor covering is adjustable and is allowable for this additional reason as well.

III. Other Claim Amendments

Claim 5 has been amended to recite a textile face. Claims 6 and 14 have been amended to depend from claims 4 and 10, respectively. Finally, claim 9 has been amended to correct an obvious typographical error.

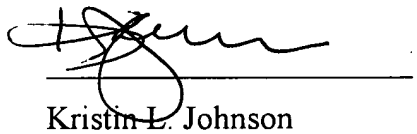
PETITION FOR TWO-MONTH TIME EXTENSION

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Examiner's Action mailed on July 17, 2002 be extended for two months, up to and including December 17, 2002. Enclosed is a check in the amount of $400 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

CONCLUSION

Applicants respectfully submit that claims 1-20 are in condition for immediate allowance, and request early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned at 404.815.6389.

Respectfully submitted,



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Marked-up copy of amended specification pursuant to 37 C.F.R. § 1.121(b)

Page 1, line 6

This application claims priority to United States provisional patent application serial no. 60/177,231, filed January 20, 2000[1], entitled "Hand Apparatus for Imparting Grouted Edge Appearance to Tile Face Floorcoverings," which is incorporated herein by reference.

Marked-up copy of amended claims pursuant to 37 C.F.R. § 1.121(c)

1. (Amended) Apparatus for treating floor covering, comprising:

(a) an energy source, and

(b) structure for supporting the energy source and contacting a textile face of the floor covering while moving the energy source and floor covering relative to each other in a predetermined relationship during treatment of the textile face of the floor covering with the energy source.

2. (Amended) Apparatus for use during installation of floor covering for treating a portion of a textile face of the floor covering proximate an edge of the floor covering to change the appearance of the treated portion of the textile face of the floor covering [in the treated portion], the apparatus comprising:

(a) a heat source,

(b) structure on which the heat source is mounted for maintaining a desired relationship between the heat source and the floor covering during treatment of the textile face of the floor covering.

5. (Amended) The apparatus of claim 4, wherein the mounting structure further comprises at least one roller for contact with the textile face of the floor covering.

6. (Amended) The apparatus of claim 4 [5], wherein the guide [further] comprises at least one rotating member.

7. (Amended) The apparatus of claim 6, wherein the guide further comprises two arms projecting from the frame on opposite sides of the heat source, and the at least one rotating member comprises two rotating members, one of which is attached to each of the two arms.

9. (Amended) The apparatus of claim 4, wherein the frame further comprises a heat source holder to which the heat source is attached and a frame stanchion to which the heat source holder is adjustably[e] attached so that the holder can be positioned in a plurality of distances from the floor covering.

10. (Amended) Apparatus for treating a portion of a textile face of floor covering proximate an edge of the floor covering to change the appearance of the treated portion of the textile face of the floor covering [in the treated portion] by heating, the apparatus comprising:

(a) a base,

(b) a plurality of rollers attached to the base for contact with the textile face of the floor covering during use of the apparatus,

(c) two guide arms projecting from [attached to] the base, each by a projection amount, and two guide bearings for contact with an edge of the floor covering during use of the apparatus, one of which guide bearings is attached to each guide arm, and

(d) a hot air gun attached to a hot air gun mount adjustably attached to the base so that the distance of the hot air gun from the textile face of the floor covering during use of the apparatus may be adjusted.

13. (Amended) The apparatus of claim 10 [12], wherein the projection amount of [the] each guide arm[s] from the base is adjustable.

14. (Amended) The apparatus of claim 10 [14], wherein the plurality of rollers comprises two rollers.

16. (Amended) A method for changing the appearance of a portion of a textile [the] face of floor covering during installation of the floor covering, comprising:

(a) positioning a hot air gun mounted on a carriage proximate an edge of the floor covering,

(b) with the hot air gun on, moving the hot air gun across the textile face of the floor covering along the edge to heat the portion of the textile face of the floor covering adjacent to the edge to change the appearance of the portion while maintaining contact between first reference structure of the carriage and the textile face of the floor covering and between second reference structure of the carriage and the edge of the floor covering.

19. (Amended) A method of installing[, on a building floor,] floor covering modules having textile faces and having a "grouted edge" appearance on a floor, comprising:

(a) installing on the [building] floor modules that can be positioned thereon without cutting the modules,

(b) cutting at least one module[s] in the field to a size[s] necessary to fill a position on the floor not covered by the un-cut modules and thereby complete covering of the [building] floor after installation of the un-cut modules, and

(c) positioning a hot air gun mounted on a carriage proximate an edge of [each cut] at least one module where a "grouted edge" appearance is desired, and, with the hot air gun on, moving the hot air gun across a portion of the textile face adjacent the edge of the at least one [floor covering] module [along the edge] to heat the portion of the textile face of the at least one module [floor covering] adjacent to the edge and to change the appearance of the portion while maintaining contact between first reference structure of the carriage and the textile face of the at least one module [floor covering] and between second reference structure of the carriage and the edge of the at least one module [textile floor covering].

20. (Amended) The method of claim 19 [18], further comprising:

(d) installing the at least one [each] field-cut module on the [building] floor in the position for which such module was cut.